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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: **Toshiro OMORI et al.**

Group Art Unit: **1655**

Application No.: **10/511,725**

Examiner: **Amy Lynn Clark**

Filed: **October 19, 2004**

Confirmation No.: **2520**

For: **COMPOSITION OBTAINED FROM BARLEY SHOCHU STILLAGE  
AND HAVING ACTIVITY OF INHIBITING ONSET OF  
ALCOHOLIC HEPATOPATHY AND ACTIVITY OF HEALING IT  
AS WELL AS EXCELLENT PALATABILITY, AND PROCESS FOR  
PRODUCING THE SAME**

Attorney Docket Number: **042872**

Customer Number: **38834**

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

May 12, 2006

Sir:

This paper is submitted in response to the Official Action dated April 14, 2006.

In the Office Action, Applicants are required to elect one of the following groups for examination:

**Group I**, claims 1-7, drawn to a composition having an activity of inhibiting the onset of alcoholic hepatopathy and an activity of healing it, the composition comprising of an unadsorbed fraction which is formed by subjecting a barley shochu stillage byproduced in the production of shochu from a barley as a raw material to solid-liquid separation to obtain a liquid fraction and subjecting the liquid fraction to a separation treatment to adsorption using a synthetic adsorbant, in which the unadsorbed fraction contains plural peptides.

**Group II**, claims 8-10, drawn to a process for producing a composition having an activity of inhibiting the onset of alcoholic hepatopathy and an activity of healing it and comprising an unadsorbed fraction, which comprises a step of subjecting a barley shochu stillage byproduced in the production of shochu from barley as a raw material to solid-liquid separation to obtain a liquid fraction and a

step of subjecting the liquid fraction to a separation treatment by adsorption using a synthetic adsorbent fraction, in which the unadsorbed fraction contains plural peptides.

**Group III**, claims 11-13, drawn to a process for producing a barley shochu and a composition comprising an unadsorbed fraction, characterized by comprising a step of fermenting a barley koji produced from a husked barley or a polished barley as a raw material and a shochu yeast to form a mature mash and distilling the mature mash to produce the barley shochu and a step of subjecting a barley shochu stillage byproduct in the production of the barley shochu to solid-liquid separation to obtain a liquid fraction and subjecting the liquid fraction to a separation treatment by adsorption using a synthetic adsorbent to obtain the unadsorbed fraction, in which the unadsorbed fraction contains plural peptides.

**Group IV**, claims 14-20, drawn to a food composition having an activity of inhibiting the onset of alcoholic hepatopathy and an activity of healing it, the composition comprising of an unadsorbed fraction which is formed by subjecting a barley shochu stillage byproduct in the production of shochu from a barley as a raw material to solid-liquid separation to obtain a liquid fraction and subjecting the liquid fraction to a separation treatment to adsorption using a synthetic adsorbent, in which the unadsorbed fraction contains plural peptides.

**Group V**, claims 21-23, drawn to a process for producing a food composition having an activity of inhibiting the onset of alcoholic hepatopathy and an activity of healing it and comprising an unadsorbed fraction, which comprises a step of subjecting a barley shochu stillage byproduct in the production of shochu from barley as a raw material to solid-liquid separation to obtain a liquid fraction and a step of subjecting the liquid fraction to a separation treatment by adsorption using a synthetic adsorbent fraction, in which the unadsorbed fraction contains plural peptides.

**Group VI**, claims 24-26, drawn to a process for continuously producing a barley shochu and food composition comprising an unadsorbed fraction, characterized by comprising a step of fermenting a barley koji produced from a husked barley or a polished barley as a raw material and a shochu yeast to form a mature mash and distilling the mature mash to produce the barley shochu and a step of subjecting a barley shochu stillage byproduct in the production of the barley shochu to solid-liquid separation to obtain a liquid fraction and subjecting the liquid fraction to a separation treatment by adsorption using a synthetic adsorbent to obtain the unadsorbed fraction, in which the unadsorbed fraction contains plural peptides.

Application No. 10/511,725  
Art Unit 1655

Response to Restriction Requirement  
Attorney Docket 042872

Applicants hereby elect the subject matter of Group I, claims 1-7. This election is made without traverse, it being understood that the Applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. If any additional fees are due in connection with this paper, please charge our Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



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